

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:17CV27**

MONTY DALE ROGERS, )  
 )  
 Plaintiff, )  
 )  
 v. ) ORDER  
 )  
 NANCY A. BERRYHILL, )  
 Acting Commissioner of Social Security, )  
 )  
 Defendant. )  
 )

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This matter is before the Court on Plaintiff's Consent Motion for Attorney Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (# 26). The parties have agreed that Plaintiff's counsel should be awarded \$5,000.00 in attorney fees. Plaintiff has assigned his right to any attorney's fees payable under the EAJA to his counsel (# 27 Ex. 2.). In light of the foregoing, the Court ORDERS the following:

- (1) Plaintiff's Consent Motion for Attorney Fees Under the EAJA (# 26) is GRANTED;
- (2) Defendant is ordered to pay \$5,000.00 in attorney fees; and
- (3) If Plaintiff has no debt registered with the Department of Treasury that is subject to offset, the fees are payable to Plaintiff's attorney, Karl E. Osterhout.

Signed: June 13, 2018

Dennis L. Howell